

PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:

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PCT

NOTIFICATION OF TRANSMITTAL OF INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter II of the Patent Cooperation Treaty)

(PCT Rule 71.1)

Date of mailing
(day/month/year)

#

Applicant's or agent's file reference
#

IMPORTANT NOTIFICATION

International application No.
#

International filing date (day/month/year)
#

Priority date (day/month/year)
#

Applicant
RÖHM GMBH & CO

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary report on patentability and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.
4. **REMINDER**

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1)) (see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary report on patentability. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the *PCT Applicant's Guide*.

The Applicant's attention is drawn to Article 33(5), which provides that the criteria of novelty, inventive step and industrial applicability described in Article 33(2) to (4) merely serve the purpose of international preliminary examination and that "any Contracting State may apply additional or different criteria for the purpose of deciding whether, in that State, the claimed invention is patentable or not" (see also Article 27(5)). Such additional criteria may relate, for example, to exemptions from patentability, requirements for enabling disclosure, clarity and support for the claims.

Name and mailing address of the IPEA



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Authorized officer

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PATENT COOPERATION TREATY



PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

Applicant's or agent's file reference Insert reference here	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. Insert no. here	International filing date (<i>day/month/year</i>) Insert date here	Priority date (<i>day/month/year</i>) Insert date here
International Patent Classification (IPC) or national classification and IPC Insert IPC here		
Applicant Insert applicant here		

1.	This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2.	This REPORT consists of a total of # sheets, including this cover sheet.
3.	This report is also accompanied by ANNEXES, comprising: <div style="margin-left: 20px;"> <p>a. <input checked="" type="checkbox"/> (<i>sent to the applicant and to the International Bureau</i>) a total of # sheets, as follows:</p> <div style="margin-left: 20px;"> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> </div> <p>b. <input type="checkbox"/> (<i>sent to the International Bureau only</i>) a total of (indicate type and number of electronic carrier(s)) #, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p> </div>
4.	This report contains indications relating to the following items: <div style="margin-left: 20px;"> <p><input checked="" type="checkbox"/> Box No. I Basis of the report</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement according to Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p> </div>

Date of submission of the demand Insert date here	Date of completion of this report Insert date here
Name and mailing address of the IPEA/ European Patent Office D-80298 Munich Tel. + 49-89 2399-0, Tx: 523656 epmu d Fax: + 49-89 2399-4465 <div style="text-align: center;"></div>	Authorized officer Insert name here Tel. Insert no. here <div style="text-align: center;"></div>

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/Insert no. here

Box No. I. Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
 - ☐ This report is based on translations from the original language into the following language insert language, which is the language of a translation furnished for the purposes of:
 - ☐ international search (under Rules 12.3 and 23.1(b)).
 - ☐ publication of the international application (under Rule 12.4).
 - ☐ international preliminary examination (under Rule 55.2 and/or 55.3).
2. With regard to the **elements** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation according to Article 14 are referred to in this report as "originally filed" and are not annexed to this report):*
the international application as originally filed

Description, pages

Insert no. here as originally filed

Claims, No.

Insert no. here received on 23.05.2005 by Telefax

- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:
 - ☐ the description, pages
 - ☐ the claims, Nos.
 - ☐ the drawings, sheets/fig
 - ☐ the sequence listing (*specify*):
 - ☐ any table(s) related to sequence listing (*specify*):
4. ☐ This report has been as been established as if (some of) the amendments annexed to this report and listed below has not been made, since they have been considered to go beyond the disclosure as filed, as is indicated in the Supplemental Box (Rule 70.2(c)):
 - ☐ the description, pages
 - ☐ the claims, Nos.
 - ☐ the drawings, sheets/fig
 - ☐ the sequence listing (*specify*):
 - ☐ any table(s) related to sequence listing (*specify*):

* If item 4 applied, some or all of those sheets may be marked "superseded."

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT ON PATENTABILITY**

International application No. PCT/Insert no. here

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes:	Claims	Insert text here
	No:	Claims	Insert text here
Inventive Step (IS)	Yes:	Claims	Insert text here
	No:	Claims	Insert text here
Industrial Applicability (IA)	Yes:	Claims	Insert text here
	No:	Claims	Insert text here

2. Citations and explanations (Rule 70.7) :

See separate sheet

INTERNATIONAL PRELIMINARY
REPORT ON PATENTABILITY
(SEPARATE SHEET)

International Application No.

PCT/EP2004/003868

Re Point V.

1. Claim 1 claims the use of alkylamino salts of mono- or dialkyl-substituted phosphoric acid as release agent during the cast polymerization of methyl methacrylate mixtures.

The applicant had the object of finding an alternative internal release agent which unlike the prior art does not comprise benzyl alcohol as solubilizer. Within the present prior art, no publication has been found which discloses or even merely suggests the subject-matter of Claim 1.

The publication WO-A-9916602 (D1), which discloses a compound like those according to Claim 1 as release agent for production of polyurethane moldings, gives no indication to the person skilled in the art of the use of the compound as release agent during polymerization of acrylic monomers. The subject-matter of Claim 1 has therefore to be regarded as novel and inventive under Article 33 PCT.

2. On the same grounds, the subject-matter of Claims 2 and 4 also complies with the requirements of Article 33 PCT.
3. In Claim 2, it is unclear whether the expression "composed of (meth)acrylates" also refers to "the polymerizable monomers" or only to "the monomer mixture". In the second case, the subject-matter of this claim would lack novelty over D1, because D1 discloses compounds within the scope of the compounds of the formula (I), which are used in a concentration range like that in Claim 2 as release agents for polyurethanes. The requirements of Article 6 PCT have therefore not been met.